

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RITA DAVE,

Plaintiff,

-against-

Case No. 15-cv-3864
(JMA) (SLT)

THE COUNTY OF SUFFOLK, *et al.*,

Defendants.

**DECLARATION
IN OPPOSITION**

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CHERYL L. BERGER, an attorney duly authorized to practice law before the courts of the State of New York, and specifically before the United States District Court of the Eastern District of New York, affirms the following under penalty of perjury:

1. I am an attorney with the firm Devitt Spellman Barrett, LLP, counsel for the defendants herein, the County of Suffolk and Lawrence Shewark, in the above-captioned matter. As such, I am fully familiar with the facts and circumstances set forth herein.

2. I submit this declaration in opposition to Plaintiff's motion for sanctions and related relief against Defendant Lawrence Shewark. Defendants request that the court deny the motion in its entirety and grant Defendants such other and further relief as this Court deems just and proper.

3. Annexed hereto as **Exhibit A** is a true and correct copy of the full (condensed) transcript of David Douglas dated September 3, 2020.

4. Annexed hereto as **Exhibit B** is a true and correct copy of the full (condensed) transcript of the deposition of Ernesto Raoul Pizarro dated April 20, 2020.

5. Annexed hereto as **Exhibit C** are a true and correct copies of correspondence between counsel for the parties reflecting, among other things, Defendants' offer to Plaintiff and the deficiencies in the safe harbor letter.

6. Annexed hereto as **Exhibit D** is a true and correct copy of the letter from Shanies to Berger dated September 4, 2020.

7. **WHEREFORE**, it is respectfully requested that this Court deny Plaintiff's motion for sanctions in its entirety and grant Defendants such other and further relief as this Court deems just and proper.

Dated: Garden City, New York
December 18, 2020

/s/ Cheryl Berger
CHERYL L. BERGER